APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,747	07/10/1998	ANDREA BASSO	1-3-66-7	8396

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EXAMINER
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ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 June 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-53</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-53</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 6/23/06 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-53 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or*
> *described as set forth in section 102 of this title, if the differences between the subject*
> *matter sought to be patented and the prior art are such that the subject matter as a whole*
> *would have been obvious at the time the invention was made to a person having ordinary*
> *skill in the art to which said subject matter pertains. Patentability shall not be negatived*
> *by the manner in which the invention was made.*

4.   Claims 1-4, 6-7, 9-17, 19-20, 22-30, 33-39, 41-48, and 50-53 are rejected under 35

U.S.C. 103(a) as being unpatentable over Goetz et al. (U.S. Patent No. 5,928,330/ or "Goetz"

hereinafter) in view of Shaw et al (US Patent 6,233,590 B1).

Regarding claim 1, Goetz discloses "a computer-readable medium storing instructions

adapted to be executed on a processor, to: (a) display, at a receiver, received data; (b) analyze, at

the receiver, the quality of the displayed data; (c) formulate, at the receiver and based on the

analysis in step (b), a media-parameter suggestion for an encoder to alter the characteristics of

data to be sent to the receiver, and (d) send, from the receiver, the formulated suggestion", i.e.,

Goetz discloses a multimedia distribution system to a client i.e., a receiver such as a PC with a

display monitor (see abstract and col. 10/lines 37-63) and as being a computer readable medium

for storing instructions (as illustrated from Figs. 1-7), from a server 920 (as illustrated in Fig. 9)

wherein the multimedia files can be streaming accordingly or adjusting appropriately according

to network's characteristics (col. 4/lines 34-54) or to user's preferences (col. 8/lines 40-50) the

client or the user can change or alter the characteristics of data to be sent to him/her by

suggesting or requesting some parameter suggestions, for example, changing the desired rate of

transmission between the user's device and the server for receiving multimedia files (col. 11/lines

27-48), and the formulated suggestion or user requests for quality presentations can be obtained

by sending the requests to the server, and the server sends the requested data to the user terminal

(col. 3/lines 1-35; Figs. 10 & 11, and col. 10/line 64 to col. 12/line 13 for details on procedures

for the client how to request quality presentations being displayed on the client's device from the

server).

Goetz might not clearly show "analyzing the quality of displaying data at the receiver" and formulating the suggestion or request to the sender; however, such a same technique is taught by Shaw as Shaw, in a same field of network-based environment, teaches that the quality of display to the viewer can be enhanced or improved (col. 2/lines 1-21 as the objective of Shaw for enhancing the visual quality for display to user accordingly based on each individually available processor and memory bandwidth); and the suggestion is collected from application and the user (col. 11/lines 45-63); and the system controller oversees the adjustment and/or changes of parameters including frame rate and display resolution based on the user's system performance and/or user preference changes (see col. 17/line 40 to col. 18/line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goetz's system with Shaw's teaching technique of requesting and/or suggestion the quality display of presentation data is of concern from the user.

As for claim 2, Goetz discloses "the storing instructions adapted to be executed on a processor to: (e) receive, at the receiver, a user preference to be used in the analysis in step (b)", i.e., user preferences are used for opening presentations at the user terminal based on the earlier

As for claim 3, Goetz further discloses "wherein the instruction (a) to display data includes instructions adapted to be executed by a processor to display, at the receiver, audiovisual data", i.e., audiovisual data or multimedia data is addressed (col. 1/lines 25-38).

As for claim 4, Goetz teaches "wherein the instruction (b) to analyze the quality of the displayed data includes instructions adapted to be run on the processor to analyze, at the receiver, the system load", i.e., the system load or system capacity is of concern for an effective solution as the object of this system (col. 2/lines 26-55).

As for claim 6, Goetz further teaches the step of "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions that include: (i) send timing information identifying the point in time where the data was collected; and (ii) send timing information identifying the point in time when the suggested action should be honored" by disclosing the timing information must be provided in order to provide the synchronization for the transmission of multimedia stream (col. 1/line 58 to col. 2/line 14).

As for claim 7, Goetz further discloses "wherein the instruction c) to formulate a media parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (i) alter the frame rate", i.e., different frame rates can be requested and performed (col. 8/lines 40-50; col. 10/lines 18-35; col. I 1/lines 27-48).

As for claims 9, 22, 32, 41, and 50, the step of "alter the window size" in the media-parameter suggestion as an instruction to change is known in the art (official notice taken herein, and as also disclosed in the previous action) because as one resizes the window would change the quality of the display presentation within the window.

As for claim 10, Goetz shows the step of "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter audio channel characteristics", i.e., language or rate of audio can be changed (col. 6/lines 10-30).

As for claim 11, Goetz further discloses the step of "wherein the instruction c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (i) alter the graphics hardware load", i.e., the

graphics hardware load or the graphics presentations to viewers can be changed, i.e., multiple

copies can be sent (col. 10/lines 18-35).

As for claim 12, Goetz discloses "wherein the instruction c) to formulate a media

parameter suggestion includes instructions adapted to be run on the processor to formulate

media-parameter suggestions to: (I) alter the CPU load", i.e., the CPU load or the system

capacity can be altered (col. 2/lines 35-55).

As for claim 13, Goetz further disclose "wherein the instruction c) to formulate a media

parameter suggestion includes instructions adapted to be run on the processor to formulate

media-parameter suggestions that include: (I) altering the RAM amount available", i.e., a RAM

is addressed for storing packets containing multimedia information (col. 7/lines 19-39).

Regarding claims 14-17, 19-20 and 22-26, these claims for "a method of transmitting data

from a sender to a receiver across a network comprising: (a) displaying, at the receiver, received

data; (b) analyzing, at the receiver, the quality of the displayed data; c) formulating, at the

receiver and based on the analysis in step (b), a media-parameter suggestion for an encoder to

alter the characteristics of data to be sent to the receiver; and (d) sending, from the receiver, the

formulated suggestion to alter the quality of the received data" with same limitations as earlier

cited are rejected for the reasons given in the scope of claims 1-4, 6-7 and 9-13 as already

disclosed in details in view of Goetz and Shaw as discussed above.

Regarding claims 27-30 and 33-35, these claims for "a method for transmitting data

across a network comprising: a) transmitting data to a receiver; b) receiving a suggestion to alter

the transmitted data on the basis of a quality of data transmitted in (a); c) selecting, based on the

received suggestion, an action to alter the data; and d) altering the transmitted data" with same

limitations as earlier cited are rejected for the reasons given in the scope of claims 1-4, 6-7 and

10-13 as already disclosed in details in view of Goetz and Shaw as discussed above.

Regarding claims 36-39 and 41-45, these claims for "an apparatus for transmitting data

from a sender to a receiver across a network comprising: (a) a processor; (b) a port coupled to

said processor; and c) a memory coupled to said processor and said port, storing instructions

adapted to be run on said processor to: (i) display, at the receiver, received data; (ii) analyze, at

the receiver, the quality of the displayed data; (iii) formulate, at the receiver and based on the

analysis in (ii), a media-parameter suggestion for an encoder to alter the characteristics of data to

be sent to the receiver; and (iv) send, from the receiver, the formulated suggestion to alter the

quality of the received data" with a host interface as a port for interfacing to other components of

the network (Fig. 10/item 920 and Fig. 11) and with same limitations as earlier cited are rejected

for the reasons given in the scope of claims 1-4, 6-7 and 9-13 as already disclosed in details in

view of Goetz and Shaw as discussed above.

Regarding claim 46-48 and 50-53, these claims for "an apparatus for transmitting data

from a sender to a receiver across a network comprising: (a) a processor; (b) a port coupled to

said processor; and c) a memory coupled to said processor and said port, storing instructions

adapted to be run on said processor to: (i) transmit data to a receiver; (ii) receive a suggestion to

alter the transmitted data on the basis of a quality of data transmitted in (i); and (iii) selecting,

based on the received suggestion, an action to alter the data; and (iv) altering the transmitted

data" with a host interface as a port for interfacing to other components of the network (Fig.

10/item 920) and with same limitations as earlier cited are rejected for the reasons given in the

scope of claims 1-4, 6-7 and 9-13 as in details in view of Goetz and Shaw as discussed above.

5.   Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et

al (US Patent No. 5,928,330) in view of Shaw et al (US Patent 6,233,590 B1) as described above

and Pocock et al (U.S. Patent No. 5,014,125).

As for claims 5 and 18, Goetz and Shaw do not further disclose the detailed components

of the client receiver as claimed; however, Pocock shows "wherein the instruction (b) to analyze

the quality of the displayed data includes instructions adapted to be run on the processor to: (i)

analyze, at the receiver, component load, wherein a component is chosen from the set comprising

a central-processing unit, a graphics card, and a texture-mapping engine" (Fig. 4/item 94 for a

CPU; Fig. 4/item 86 for video processor and Fig. 5/item 118 for a graphics generator (within a

graphics card); and col. 8/line 61 to col. 9/line 14 for a method of creating commands with

alphanumeric keys in commands as a texture-mapping engine). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the Goetz's and

Shaw's system with well-known and must-have features of a PC such as a CPU, a graphics card

and a texture-mapping engine as one of Pocock's in order to perform the mentioned activities or

analyzing the quality of displayed data as noted.

6.   Claims 8, 21, 31, 40, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Goetz et al (US Patent No. 5,928,330) in view of Shaw as described above and Volk et al

(U.S. Patent No. 5,673,401/ or "Volk" hereinafter).

Regarding claims 8, 21, 31, 40, and 49, Goetz and Shaw do not show the computer

readable medium as of claim 2 wherein the instruction c) to formulate a media parameter

suggestion includes instructions adapted to be run on the processor to formulate media-parameter

suggestions to: "alter the color depth"; however, Volk teaches the same technique of providing interactive two-way multimedia information data to users. In fact, Volk teaches an enhanced user interface that allows users to customize the control item via a user input device (Volk, col. 5/line 20-60). Volk clearly teaches an enhanced technique of altering the color depth using the user interface at the user terminal (col. 18/lines 10-30; and col. 33/lines 45-55 for altering the "color depth"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goetz's and Shaw's interactive multimedia presentation system with Volk's teaching technique of altering the color depth as additional tool for customizing the user interface as revealed by Volk as preferred.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. '

Shaw et al. (U.S. pat. No.6,233,590 B1) disclose a server apparatus for distributed communications supporting multiple user/application environment.

Shaw et al. (U.S. Pat. No. 5,983,004) disclose a computer, memory, telephone, communications, and transportation system and methods.

Shaw et al. (U.S. Pat. No.6,349,297 B1) disclose an information processing system for directing information request from a particular user.

8.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

9.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The

examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate

Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Miller, can be reached at (571) 272-7353.

The Art Unit location of your application in the USPTO has changed. To aid in

correlating any papers for this application, all further correspondence regarding this application

should be directed to Division or Art Unit 2623.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
August 23, 2006